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COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF LABOR AND INDUSTRY

WORKMEN'S COMPENSATION ACT OF 1915

AS AMENDED 1919 AND 1921

Note: Schedules of compensation as given in Section 306 and 307, and method of computing wages as given in Section 309, apply to accidents occurring after midnight of December 31, 1919. The schedules of Compensation and Section 309 of the original Act of 1915 apply to accidents occurring *before that time*. Changes in the Act made in 1919 are indicated by italics. Amendments made by 1921 Legislature are indicated by bold face type.

HARRISBURG, PENNA.
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THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT OF 1915, AS AMENDED 1919 AND 1921.

Note—Changes in the Act made in 1919 are indicated by italics. Amendments made by 1921 Legislature are indicated by bold face type).

DEFINING THE LIABILITY OF AN EMPLOYER TO PAY DAMAGES FOR INJURIES RECEIVED BY AN EMPLOYE IN THE COURSE OF EMPLOYMENT; ESTABLISHING AN ELECTIVE SCHEDULE OF COMPENSATION; AND PROVIDING PROCEDURE FOR THE DETERMINATION OF LIABILITY AND COMPENSATION THEREUNDER.

Article I. Interpretation and definition.

Article II. Defining the liability of an employer in an action at law for damages for personal injury to an employe, and abolishing in whole or in part certain defenses thereto.

Article III. Establishing a system of compensation by agreement; prescribing the method by which such agreement shall be made and terminated; defining the injuries for which compensation is payable, the persons to whom it is payable, its amount, and the condition under which and the manner in which it is payable.

Dept of Labor

Article IV. Providing a procedure for the determination and settlement of claims for compensation.

Article V. General provisions.

ARTICLE I.

INTERPRETATION AND DEFINITION.

Section 1. Be it enacted, &c., That this act shall be called and cited as The Workmen's Compensation Act of 1915, and shall apply to all accidents occurring within this Commonwealth, irrespective of the place where the contract of hiring was made, renewed, or extended, and shall not apply to any accident occurring outside of the Commonwealth.

Section 102. Wherever in this act the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Section 103. The term "employer" as used in this act is declared to be synonymous with master, and to include natural persons, partnerships, joint-stock companies, corporations for profit, corporations not for profit, municipal corporations, the Commonwealth, and all governmental agencies created by it.

Section 104. The term "employe" as used in this act is declared to be synonymous with servant, and includes all natural persons who perform services for another for a valuable consideration, exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer, and exclusive of persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale, in the worker's own home, or on other premises not under the control or management of the employer.

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Section 105. The term "contractor" as used in article two, section two hundred and three, and article three, section three hundred and two (b), shall not include a contractor engaged in an independent business, other than that of supplying laborers or assistants, in which he serves persons other than the employer in whose service the accident occurs, but shall include a sub-contractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken.

Section 106. The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this act, be treated as the trade or business of the authority.

Section 107. The term "Bureau" when used in this act shall mean the Bureau of Workmen's Compensation of the Department of Labor and Industry.

The term "Board" when used in this act shall mean the Workmen's Compensation Board of the Bureau.

ARTICLE II.

DAMAGES BY ACTION AT LAW.

Section 201. That in any action brought to recover damages for personal injury to an employe in the course of his employment, or for death resulting from such injury, it shall not be a defense—

(a) That the injury was caused in whole or in part by the negligence of a fellow employe; or

(b) That the employe had assumed the risk of the injury; or

(c) That the injury was caused in any degree by the negligence of such employe, unless it be established that the injury was caused by such employe's intoxication or by his reckless indifference to danger. The burden of proving such intoxication or reckless indifference to danger shall be upon the defendant, and the question shall be one of fact to be determined by the jury.

Section 202. The employer shall be liable for the negligence of all employes, while acting within the scope of their employment, including engineers, chauffeurs, miners, mine-foremen, fire-bosses, mine superintendents, plumbers, officers of vessels, and all other employes licensed by the State or other governmental authority, if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed; and such employes shall be the agents and representatives of their employers, and their employers shall be responsible for the acts and neglects of such employes, as in the case of other agents and employes of their employers; and, notwithstanding the employment of such employes, the property in and about which they are employed, and the use and operation thereof, shall at all times be under the supervision, management and control of their employers.

Section 203. An employer who permits the entry upon premises occupied by him or under his control, of a laborer or an assistant hired by an employe or contractor, for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor, shall be liable to such laborer or assistant in the same manner and to the same extent as his own employe.

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Section 204. No agreement, composition, or release of damages made before the happening of any accident, except the agreement defined in article three of this act, shall be valid or shall bar a claim for damages for the injury resulting therefrom; and any such agreement, other than that defined in article three herein, is declared to be against the public policy of this Commonwealth. The receipt of benefits from any association, society or fund shall not bar the recovery of damages by action at law, nor the recovery of compensation under article three hereof; and any release executed in consideration of such benefits shall be void.

ARTICLE III.

ELECTIVE COMPENSATION.

Section 301. When employer and employe shall by agreement, either express or implied, as hereinafter provided, accept the provisions of article three of this act, compensation for personal injury to, or for the death of, such employe, by an accident, in the course of his employment, shall be made in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article; provided that no compensation shall be made when the injury or death be intentionally self-inflicted, but the burden of proof of such fact shall be upon the employer.

The terms "injury" and "personal injury" as used in this act shall be construed to mean only violence to the physical structure of the body, and such disease or infection as naturally results therefrom; and wherever death is mentioned as a cause for compensation under this act, it shall mean only death resulting from such violence and its resultant effects, and occurring within three hundred weeks after the accident. The term "injury by an accident in the course of his employment," as used in this article, shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him, and not directed against him as an employe or because of his employment; but shall include all other injuries sustained while the employe is actually engaged in the fur therance of the business or affairs of the employer, whether upon the employer's premises or elsewhere, and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon, sustained by the employe, who, though not so engaged, is injured upon the premises occupied by or under the control of the employer, or upon which the employer's business or affairs are being carried on, the employe's presence thereon being required by the nature of his employment.

Section 302. (a) In every contract of hiring made after December thirty-first, one thousand nine hundred and fifteen, and in every contract of hiring renewed or extended by mutual consent, expressed or implied, after said date, it shall be conclusively presumed that the parties have accepted the provisions of article three of this act, and have agreed to be bound thereby, unless there be, at the time of the making, renewal, or extension of such contract, an express statement in writing, from either party to the other, that the provisions of article three of this act are not intended to apply, and unless a true

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copy of such written statement, accompanied by proof of service thereof upon the other party, setting forth under oath or affirmation the time, place, and manner of such service, be filed with the Bureau within ten days after such service and before any accident has occurred. Every contract of hiring, oral, written, or implied from circumstances now in operation, or made or implied on or before December thirty-first, one thousand nine hundred and fifteen, shall be conclusively presumed to continue subject to the provisions of article three hereof, unless either party shall, on or before said date, in writting, have notified the other party to such contract that the provisions of article three hereof are not intended to apply, and unless there shall be filed with the Bureau a true copy of such notice, together with proof of service, within the time and in the manner hereinabove prescribed; Provided, however, That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force. In the employment of minors, article three shall be presumed to apply, unless the said written notice be given by or to the parent or guardian of the minor. It shall not be lawful for any officer or agent of this Commonwealth, or for any county, city, borough, or township therein, or for any officer or agent thereof, or for any other governmental authority created by the laws of this Commonwealth, to give notice of such rejection of the provisions of this article to any employe of the State or of such governmental agency.

(b) After December thirty-first, one thousand nine hundred and fifteen, an employer who permits the entry, upon premises occupied by him or under his control, of a laborer or an assistant hired by an employe or contractor, for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor, shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three, unless the employer shall post in a conspicuous place, upon the premises where the laborer's or assistant's work is done, a notice of his intention not to pay such compensation, and unless there be filed with the Bureau, within ten days thereafter and before any accident has occurred, a true copy of such notice, together with proof of the posting of the same, setting forth upon oath or affirmation the time, place and manner of such posting; and after December thirty-first, one thousand nine hundred and fifteen, any such laborer or assistant who shall enter upon premises occupied by or under the control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three, in lieu of his right of action under article two, unless he shall have given notice in writing to the employer, at the time of entering upon such employer's premises for the purpose of doing his work, of his intention not to accept such compensation, and unless within ten days thereafter and before any accident has occurred there shall have been filed with the Bureau a true copy of such notice, accompanied by proof of service thereof upon such employer, setting forth under oath or affirmation the time, place and manner of such service. And in such cases, where article three binds such employer and such laborer or assistant, it shall not be in effect between the intermediate employer or contractor and such laborer or assistant, unless otherwise expressly agreed.

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Section 303. Such agreement shall constitute an acceptance of all the provisions of article three of this act, and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death occurring in the course of the employment, or to any method of determination thereof, other than as provided in article three of this act. Such agreement shall bind the employer and his personal representatives, and the employe, his or her wife or husband, widow or widower, next of kin, and other dependents.

Section 304. Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident, by either party, upon sixty days' notice to the other in writing, if a copy of such notice, with proof of service, be filed in the Bureau, as provided in section three hundred and two of this article.

Section 305. Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund, or in any insurance company, or mutual association or company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the Bureau from such insurance. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the Bureau, showing his financial ability to pay such compensation, whereupon the Bureau, if satisfied of the applicant's financial ability, shall by written order make such exemption. The Bureau may, from time to time, require further statements of the financial ability of such employer, and, if at any time such employer appear no longer able to pay compensation, shall revoke its order granting exemption; in which case the employer shall immediately subscribe to the State Fund, or insure his liability in a mutual association or company, as aforesaid.

If any employer fails to comply with the provisions of this section the bureau shall serve, by registered mail or in such other manner as the rules and regulations of the bureau shall provide, upon such employer a notice to comply forthwith with such provisions; and if such employer does not, within thirty days thereafter, insure his liability as aforesaid or obtain exemption from such insurance, such employer shall pay a penalty the sum of one dollar ($1.00) per diem for each employe during the continuance of such failure to insure or obtain exemption, which sum shall be collectible by the Bureau of Workmen's Compensation in the same manner as debts of like amounts are now by law recovered. All moneys so recovered by the bureau shall be immediately covered into the State Treasury: Provided, however, That a second notice, with bill for fines incurred, sent by registered mail, shall be served on employers within thirty days after their fines begin to run.

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Section 306. The following schedule of compensation is hereby established for injuries resulting in total disability:

(a) For the first five hundred weeks after the *tenth* day of total disability, *sixty* per centum of the wages of the injured employe as defined in section three hundred and nine; but the compensation shall not be more than *twelve* dollars per week nor less than *six* dollars per week, and shall not exceed in aggregate the sum of *five* thousand dollars: Provided, That, if at the time of injury the employe receives wages of less than *six dollars per week, then he shall* receive the full amount of such wages per week as compensation. Nothing in this clause shall require the payment of compensation after disability shall cease. Should partial disability be followed by total disability, the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.

(b) For disability partial in character (except the particular cases mentioned in clause (c), *sixty* per centum of the difference between the wages of the injured employe, as defined in section three hundred and nine, and the earning power of the employe thereafter; but such compensation shall not be more than *twelve* dollars per week. This compensation shall be paid during the period of such partial disability; not, however, beyond three hundred weeks after the *tenth* day of such *partial* disability. Should total disability be followed by partial disability, the period of three hundred weeks mentioned in this clause shall be reduced by the number of weeks during which compensation was paid for such total disability.

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, *sixty* per centum of wages during one hundred and seventy-five weeks.

For the loss of an arm, *sixty* per centum of wages during two hundred and fifteen weeks.

For the loss of a foot, *sixty* per centum of wages during one hundred and fifty weeks.

For the loss of a leg, *sixty* per centum of wages during two hundred and fifteen weeks.

For the loss of an eye, *sixty* per centum of wages during one hundred and twenty-five weeks.

For the loss of any two or more of such members, not constituting total disability, *sixty* per centum of wages during the aggregate of the period specified for each.

For serious and permanent disfigurement of the head and face of such a character as to produce an unsightly appearance and such as is not usually incident to the employment, sixty per centum of the wages not to exceed one hundred and fifty weeks.

Unless the Board shall otherwise determine, the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability, to be compensation according to the provisions of clause (a).

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Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg or eye shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

This compensation shall not be more than *twelve* dollars per week nor less than *six* dollars per week: Provided, That, if at the time of injury the employe receives wages of less han *six* dollars per week, then he shall receive the full amount of such wages per week as compensation.

(d) No compensation shall be allowed for the first *ten* days after disability begins, except as hereinafter provided in clause (e) of this section.

(e) During the first *thirty* days after disability begins, the employer shall furnish reasonable surgical and medical services, medicines and supplies, as and when needed, unless the employe refuses to allow them to be furnished by the employer. The cost of such services, medicines and supplies shall not exceed *one hundred* dollars. If the employer shall, upon application made to him refuse to furnish such services, medicines and supplies, the employe may procure the same, and shall receive from the employer the reasonable cost thereof within the above limitations. *In addition to the above services, medicines and supplies, hospital treatment, services and supplies shall be furnished by the employer for the said period of thirty days. The cost for such hospital treatment, service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals.*. If the employe shall refuse reasonable surgical, medical and hospital services, medicines and supplies, tendered to him by his employer, he shall forfeit all right to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal.

(f) Should the employe die as a result of the injury, the period during which compensation shall be payable to his dependents, under section three hundred and *seven* of this article, shall be reduced by the period during which compensation was paid to him in his lifetime, under this section of this article. No reduction shall be made for the amount which may have been paid for medical and hospital services, and medicines, nor for the expenses of the last sickness and burial. Should the employe die from some other cause than the injury, the liability for compensation shall cease.

Section 307. In case of death compensation shall be computed on the following basis, and distributed to the following persons:

1. To the child or children, if there be no widow nor widower entitled to compensation, *thirty* per centum of wages of deceased, with ten per centum additional for each child in excess of two, with a maximum of sixty per centum, to be paid to their guardian.

2. To the widow or widower, if there be no children, forty per centum of wages.

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3. To the widow or widower, if there be one child, *fifty* per centum of wages.

4. To the widow or widower, if there be two *or more* children, *sixty* per centum of wages.

5. If there be neither widow, widower, nor children *entitled to compensation,* then to the father *or* mother, if dependent to any extent upon the employe at the time of *the accident,* twenty per centum of wages: *Provided, however, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed:. And provided further, That if the father or mother was totally dependent upon the deceased employe at the time of the accident, the compensation payable to such father or mother shall be forty per centum of wages.*

6. If there be neither widow, widower, children nor dependent parent *entitled to compensation,* then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, fifteen per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of twenty-five per centum; such compensation to be paid to their guardian.

7. Whether or not there be dependents as aforesaid, the reasonable expenses of the last sickness and burial, not exceeding one hundred dollars (without deduction of any amounts theretofore paid for compensation or for medical expenses), payable to the dependents, or, if there be no dependents, then to the personal representatives of the deceased.

Compensation shall be payable under this section to or on account of any child, brother or sister, only if and while such child, brother and sister is under the age of sixteen. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him for support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis, if members of defendant's household at the time of his death, and shall include posthumous children. Should any dependent of a deceased employe die *or remarry,* or should the widower become capable of self-support, the right of such dependent or widower, to compensation under this section, shall cease: *Provided, however, That upon the remarriage of any widow, other than a non-resident alien widow, the employer shall pay to such widow the then value of the compensation payable to her, during one-third of the period during which compensation then remains payable but not exceeding one hundred weeks, calculated in accordance with the provisions of section three hundred and sixteen of this article..* If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

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The wages upon which death compensation shall be based shall not in any case be taken to exceed twenty dollars per week, nor be less than ten dollars per week.

This compensation shall be paid during three hundred weeks, and, in the case of children entitled to compensation under this section, the compensation of each child shall continue after said period of three hundred weeks until such child reach the age of sixteen, at the rate of fifteen per centum of wages, if there be but one child, with ten per centum additional for each additional child, with a maximum of fifty per centum. *The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a widow or widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board as hereinafter provided may direct. If there be no guardian or committee of any minor, dependent, or insane employe or dependent on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employe or dependent may be paid to any surviving parent, or to such other person as the Board may order and direct, and the Board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employe or dependent to be paid, to render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.*

Section 308. Except as hereinafter provided, all compensation payable under this article shall be payable in periodical instalments, as the wages of the employe were payable before the accident.

Section 309. Wherever in this article the term "wages" is used, it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer, and necessary for the performance of such contract by the employe; *but shall include board and lodging received from the employer. Whenever the employe receives board and lodging as a part of his wages, the board shall be rated at fifty cents per day, and board together with lodging shall be rated at one dollar per day, for the purpose of computing wages.* In seasonal occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident, unless it be shown that during such year, by reason of exceptional causes, such method of computation does not ascertain fairly the earnings of the employe; in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings. In continuous employments, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employe, his weekly wages shall be taken to be five and one-half times his average earnings at such rate for a working day, and using as a basis of

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calculation his earnings during so much of the preceding six months as he worked for the same employer: *Provided, however, That if the employe regularly and habitually worked more than five and one-half days per week, the weekly wage shall be found by multiplying his average earnings for working day by six, six and one-half or seven, according to the customary number of working days constituting an ordinary week in his occupation or trade.* Where the employe is working under concurrent contracts with two or more employers, his wages from all employers shall be considered as if earned from the employer liable for compensation.

In cases where the employe has been in the employ of the employer less than one full week, and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided, the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring, or, if there are no persons so employed, by other persons employed by other employers under similar contracts of hiring under similar conditions, shall be taken as the basis for the ascertainment of the weekly wages of such employe.

This act shall not modify or in any way impair the obligations of any contract made before the date of its approval.

The provisions of sections 306, 307 and 309 of this act shall not apply to any accident occurring prior to midnight on the thirty-first day of December, one thousand nine hundred and nineteen.

Section 310. Compensation under this article to alien dependent widows and children, not residents of the United States, shall be two-thirds of the amount provided in each case for residents; and the employer may, at any time, commute all future instalments of compensation payable to alien dependents, not residents of the United States, by paying to such alien dependents the then value thereof, calculated in accordance with the provisions of section three hundred and sixteen of this article. Alien widowers, parents, brothers and sisters, not residents of the United States, shall not be entitled to any compensation.

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects, and in such cases the Consular officers shall have the right to receive, for distribution to such non-resident alien dependents, all compensation awarded hereunder, and the receipt of such Consular officers shall be a full discharge of all sums paid to and received by them.

Section 311. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employe or some one in his behalf, or some of the dependents or some one in their behalf, shall give notice thereof to the employer within fourteen days after the accident, no compensation shall be due until such notice be given or knowledge obtained; but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law, or to his physical or mental inability, or to fraud, misrepresentation or deceit, or to any other reasonable cause

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or excuse, then compensation shall be allowed, unless the employer shall show that he did not know, and by reasonable diligence could not have learned, of the accident, and that he was prejudiced by the delay; in which case he shall be relieved to the extent of such prejudice.

Section 312. The notice referred to in section three hundred and eleven hereof shall be substantially in the following form:

To (name of employer).

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured), who was in your employment at (place), while engaged as (kind of employment) on or about the ( ) day of ( ), Anno Domini ( ), and that compensation will be claimed therefor.

Date: Signed ( )

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe, by name, received an injury, the character of which is described in ordinary language, in the course of his employment on or about a time specified and at or near a place specified.

Section 313. The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer, or upon the manager or superintendent in charge of the works or business in which the accident occurred, or by sending them through the registered mail to the employer at his or its last known residence or place of business, or, if the employer be a corporation either foreign or domestic, then upon the president, vice-president, secretary or treasurer thereof. Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer.

Section 314. At any time after an injury the employe, if so requested by his employer, must submit himself for examination, at some reasonable time and place, to a physician or physicians legally authorized to practice under the laws of such place, who shall be selected and paid by the employer. If the employe shall refuse, upon the request of the employer, to submit to the examination by the physician or physicians selected by the employer, the Board may, upon petition of the employer, order the employe to submit to an examination at a time and place set by it, and by the physician or physicians selected and paid by the employer, or by a physician or physicians designated by it and paid by the employer; and if the employe shall, without reasonable cause or excuse, disobey or disregard such order, he shall be deprived of his right to compensation under this article. The Board may at any time after such first examination, upon petition of the employer, order the employe to submit himself to such further examinations as it shall deem reasonable and necessary, at such times and places and by such physicians as it may designate; and, in such case, the employer shall pay the fees and expenses of the examining physician or physicians, and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination. The refusal or

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neglect, without reasonable cause or excuse, of the employe to submit to such examination ordered by the Board, either before or after an agreement or award, shall deprive him of the right to compensation, under this article, during the continuance of such refusal or neglect, and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable.

The employe shall be entitled to have a physician or physicians of his own selection, to be paid by him, participate in any examination requested by his employer or ordered by the Board.

Section 315. In cases of personal injury all claims for compensation shall be forever barred, unless, within one year after the accident, the parties shall have agreed upon the compensation payable under this article; or unless, within one year after the accident, one of the parties shall have filed a petition as provided in article four hereof. In cases of death all claims for compensation shall be forever barred, unless, within one year after the death, the parties shall have agreed upon the compensation under this article; or unless, within one year after the death, one of the parties shall have filed a petition as provided in article four hereof. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of one year from the time of the making of the last payment.

Section 316. The compensation contemplated by this article may at any time be commuted by the Board, at its then value when discounted at five per centum interest, with annual rests, disregarding the probability of the beneficiary's death, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe, and that it will avoid undue expense or undue hardship to either party, or that such employe or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets. Except as provided in section three hundred and ten hereof, and in this section, no commutation of compensation shall be made.

Section 317. At any time after the approval of an agreement or after the entry of the award, a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain), with the approval of the Bureau, be paid by the employer to any savings bank, trust company, or life insurance company, in good standing and authorized to do business in this State, and such sum, together with all interest thereon, shall thereafter be held in trust for the employe or the dependents of the employe, who shall have no further recourse against the employer. The payment of such sum by the employer, evidenced by the receipt of the trustee noted upon the prothonotary's docket, shall operate as a satisfaction of said award as to the employer. Payments from said fund shall be made by the trustee, in the same amounts and at the same periods, as are herein required of the employer, until said fund and interest shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the court, to the choice of the employe or the dependents of the deceased employe.

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Should, however, there remain any unexpended balance of any fund after the payment of all sums due under this act, such balance shall be repaid to the employer who made the original payment, or to his legal representatives.

Section 318. The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer, liable for such compensation, as is now or may hereafter be allowed by law for a claim for unpaid wages for labor: Provided, however, That no claim for compensation shall have priority over any judgment, mortgage, or conveyance of land recorded prior to the filing of the petition, award, or agreement as to compensation in the office of the prothonotary of the county in which the land is situated. Claims for payments due under this article of this act shall not be assignable, and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors, and from levy, execution, or attachment, which exemption may not be waived.

Section 319. Where a third person is liable to the employe or the dependents for the injury or death, the employer shall be subrogated to the right of the employe or the dependents against such third person, but only to the extent of the compensation payable under this article by the employer. Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employer or to the dependents, and shall be treated as an advance payment by the employer on account of any future instalments of compensation.

ARTICLE IV.

PROCEDURE.

Section 401. The term "Referee" when used in this article shall mean Workmen's Compensation Referee.

The term "Fund" when used in this article shall mean the State *Workmen's* Insurance Fund of this Commonwealth.

The term "employer" when used in this article shall mean the employer as defined in article one of this act, or his duly authorized agent, or his insurer if such insurer has assumed the employer's liability, or the fund if the employer be insured therein.

Section 402. All proceedings before the board or any referee, and all appeals to the board, shall be instituted by petition addressed to the board. All petitions shall be in writing and in the form prescribed by the board.

Section 403. All petitions, all copies of agreements for compensation, and all other papers requiring action by the board, shall be mailed or delivered to the bureau at its principal office.

Section 404. The bureau shall, immediately upon their receipt, properly file and docket all petitions, agreements for compensation, findings of fact by the board or any referee, awards or disallowances of compensation, or modification thereof and all other reports or papers filed with it under the provisions of this act or the rules and regulations of the board.

Section *405*. Immediately upon receiving from the board or any

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referee any approval or disapproval of any agreement for, or any award or disallowance of, compensation, or any modification thereof, or any other decision, the bureau shall serve a copy thereof on all parties in interest.

Section *406*. All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail, or in such other manner as the board shall direct. For the purposes of this article any notice or copy shall be deemed served on the date when mailed, properly stamped and addressed, and shall be presumed to have reached the party to be served; but any party may show by competent evidence that any notice or copy was not received, or that there was *an* unusual or unreasonable delay in its transmission through the mails. In any such case proper allowance shall be made for the party's failure within the prescribed time to asset any right given him by this act.

The bureau, the *secretary,* and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest.

Section *407*. On or after the *tenth* day after any accident shall have occurred, the employer and employe or his *dependents* may agree upon the compensation payable to the employe or his *dependents* under this act; but any agreement made prior to the *tenth* day after the accident shall have occurred, or permitting a commutation of payments contrary to the provisions of this act, or varying the amount to be paid or the period during which compensation shall be payable as provided in this act, shall be wholly null and void.

All agreements made in accordance with the provisions of this section shall be in writing, and signed by all parties in interest.

All agreements for compensation and all supplemental agreements for the modification, suspension, reinstatement or termination thereof, and all receipts executed by any injured employe of whatever age, or by any dependent to whom compensation is payable under section three hundred and seven, and who has attained the age of sixteen years, shall be valid and binding, unless modified or set aside as hereinafter provided.

Section 408. All agreements for compensation may be modified, suspended, reinstated or terminated at any time by a supplemental agreement approved by the board, if the incapacity of an injured employe has increased, decreased, recurred or temporarily or finally terminated, or if the status of any dependent has changed.

Section *409*. Whenever an agreement *or supplemental agreement* shall be executed between an employer and an employe or his *dependents* as provided by this act, *such agreement or a duplicate thereof,* signed by all parties in interest, shall be mailed or delivered to the board. It shall be the duty of the board to examine the agreement, and to determine whether it conforms to the provisions of section four hundred and *seven,* and, within thirty days after the copy of the agreement has been mailed or delivered to it, to notify the parties thereto of its validity or invalidity under the aforesaid section: Provided, however, That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall dis-

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charge pro tanto the liability, under article three of this act, of the employer making such payments.

Section *410.* If, after any accident, the employer and the employe or his dependents, concerned in any accident, shall fail to agree upon the facts thereof and the compensation due under this act, the employe or his *dependents* may present a claim for compensation to the board.

Section *411.* Whenever the employer and the employe or his dependent shall, on or after the *tenth* day after any accident, agree on the facts on which a claim for compensation depends, but shall fail to agree on the compensation payable thereunder, they may petition the board to determine the compensation payable. Such petition shall contain the agreed facts, and shall be signed by all parties in interest. The board shall fix a time and place for hearing the petition, and shall notify all parties in interest. As soon as may be after such hearing, the board shall award or disallow compensation in accordance with the provisions of this act.

Section *412.* If any party shall desire the commutation of future instalments of compensation, he shall present a petition therefor to the board.

Section 413. The board, or a referee designated by the board, may at any time, review and modify or set aside an original or supplemental agreement, upon petition filed with the board or in the course of the proceedings under any petition pending before such board or referee, if it be proved that such agreement was procured by the fraud, coercion or other improper conduct of a party, or was founded upon a mistake of law or of fact.

The board, or referee designated by the board, may, at any time modify, reinstate, suspend or terminate an original or supplemental agreement or an award, upon petition filed by either party with such board, and upon proof that the disability of an injured employ has increased, decreased, recurred, or has temporarily or finally ceased, or that the status of any dependent has changed. Such modification, reinstatement, suspension or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased, decreased, recurred or has temporarily or finally ceased, or upon which it is shown that the status of any dependent has changed.

The board or referee to whom any such petition has been assigned may subpoena witnesses, hear evidence, make findings of fact, and award or disallow compensation, in the same manner and with the same effect and subject to the same right of appeal, as if such petition were an original claim1petition.

The filing of a petition to terminate or modify a compensation agreement or reward as provided in this section shall operate as a supersedeas, and shall suspend the payment of compensation fixed in the agreement or by the award, in whole or to such extent as the facts alleged in the petition would, if proved, require.

Section *414.* Whenever a claim-petition *or other petition is* presented to the board, the *board* shall, *by general rules or special order, either direct it to be heard by the board or* assign it to a referee for hearing: *Provided, however, That petitions presented under section four hundred and eleven and four hundred and twelve shall be heard by the board.*

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The secretary shall serve upon each adverse party a copy of the petition, together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be, and, if the petition shall have been assigned to a referee, shall mail the original petition to such refere, together with copies of the notices served upon the adverse parties.

Section 415. At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned, the board may order such petition heard before it or may reassign it to any other referee. Unless the board shall otherwise order, the testimony taken before the original referee shall be considered as though taken before the board or substituted referee.

Section *416.* Within *ten* days after a copy of *any* petition *has* been served upon any adverse party, he may file *with the secretary if the petition has been directed to be heard by the board, or* with the referee *if the petition has been assigned to a referee,* an answer in the form prescribed by the board.

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him. But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or a referee before whom the petition is heard from requiring, of its or his own motion, proof of such fact.

Section 417. As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereto, the board shall fix a time and place for hearing the petition. If a petition be assigned to a referee, he shall, twelve days after notice that such petition has been assigned to him has been served upon the adverse parties, fix a time, not less than five nor more than fourteen days thereafter, and a place for hearing the petition.. The secretary, if the petition has been directed to be heard by the board, or the referee to whom the petition has been assigned, shall serve upon all parties in interest a notice of the time and place of hearing, and shall serve upon the petitioner a copy of any answer of any adverse party.

Section 418. The board if a petition is directed to be heard by it, or the referee to whom a petition is assigned for hearing may subpoena witnesses, order the production of books and other writings, and hear evidence and shall make, in writing and as soon as may be after the conclusion of the hearing, such findings of fact, conclusions of law, and award or disallowance of compensation or other order, as the petition and answers and the evidence produced before it or him and the provisions of this act shall, in its or his judgment, require. The findings of fact made by the board in any petition heard by it or upon a hearing de novo shall be final, except as hereinafter provided, and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final, unless the board shall, under the provisions of section four hundred and twenty-five of this article, grant a hearing de novo or a rehearing.

Section 419. The board may refer any question of fact arising under any petition, including a petition for commutation heard by it,

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to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order. The board may refer any question of fact arising out of any petition assigned to a referee, to any other referee to hear evidence, and report the testimony so taken thereon to the original referee.

Section *420.* The *board or* a referee, if *it or* he deem it necessary, *may of its or his own motion,* either before, *during,* or after any hearing, make an investigation of the facts set forth in the petition *or answer. The board,* or referee with the consent of the board, may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon, or he may employ the services of such other experts as shall appear necessary to ascertain the facts. The report of any physician, surgeon or expert appointed *by the board or* by a referee shall be filed with *the board or referee, as the case may be, and shall be* a part of the record and open to inspection *as such.*

The board shall fix the compensation of such physicians, surgeons and experts, *which, when so fixed, shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the department, and shall be taxed* as part of the costs of the proceedings to be *repaid to such department by either party or* both, as the board may direct. *If any sum so taxed shall not be paid by the party directed to repay, the same may be collected as costs are now collectible.*

Section *421.* All hearings before the board or before a referee shall be public.

Section 422. Neither the board nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation, *but all findings of fact shall be based only upon competent evidence.*

If any party or witness resides outside of the Commonwealth, or through illness or other cause is unable to testify before the board or a referee, his or her testimony or deposition may be taken, within or without this Commonwealth in such manner and in such form as the board may, by special order or general rule, prescribe. The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters.

Section *423.* Any party in interest may, within ten days after notice of a referee's award or disallowance of compensation shall have been served on him, take an appeal to the board on the ground: (1) That the award or disallowance of compensation is not in conformity with the terms of this act, or that the referee committed any other error of law; (2) That the findings of fact and award or disallowance of compensation was unwarranted by the evidence, or *was procured by* fraud, coercion, or other improper conduct of any party in interest. *The board may, upon cause shown, extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading.*

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In any such appeal the board may disregard the findings of fact of the referee, and may examine the testimony taken before such referee, and if it deem proper may hear other evidence, and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board, as hereinbefore provided, may, in the judgment of the board, require, and may make such disallowance or award of compensation or other order as the facts so found by it may require.

Section *424*. Whenever an appeal shall be based upon an alleged error of law, it shall be the duty of the board to grant a hearing thereon. The board shall fix a time and place for such hearing, and shall serve notice thereof on all parties in interest.

As soon as may be after any such hearing, the board shall either sustain or reverse the referee's award or disallowance of compensation, or make such modification thereof as it shall deem proper.

Section *425*. Whenever an appeal shall be taken on the ground that the referee's award *or* disallowance or compensation was unwarranted by the evidence, or because of fraud, coercion, or other improper conduct by any party in interest, the board may, in its discretion, grant a hearing de novo *before the board or assign the petition for rehearing to any referee designated by it* or sustain the referee's award or disallowance of compensation. If the board shall grant a hearing de novo, it shall fix a time and place for same, and shall notify all parties in interest.

As soon as may be after any hearing de novo by the board, it shall in writing state its findings of fact, and award or disallow compensation in accordance with the provisions of this act.

Section 426. The board, upon petition of any party and upan cause shown, at any time before the court of common pleas of any county of this Commonwealth to whom an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon, may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling, or has sustained or reversed any action of a referee. If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in, the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article, the board shall file in such court a certified copy of its order granting such rehearing, and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board.

Section *427*. *Any party may appeal* from any *action* of the board on matters of law *to* the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business, or, by agreement of the parties, to the court of common pleas of any other county of this Commonwealth. *Such appeal must be brought within ten days after notice of the action of the board has been served upon such party, unless any court of common pleas to which an appeal lies shall, upon cause shown, extend the time herein provided for taking the appeal. The party taking the appeal shall, at the time of taking the appeal, serve upon the adverse party a written notice thereof, setting forth*

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the date of the appeal and the court in which the same is filed, and shall file with his notice of appeal such exceptions to the action of the board as he may desire to take, and shall specify the findings of fact, if any, of the board, or of the referee sustained by the board, which he alleges to be unsupported by competent evidence.

Upon filing of the notice of an appeal, the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari, directed to the Workmen's Compensation Board, commanding it, within ten days after service thereof, to certify to such court its entire record in the matter in which the appeal has been taken. The writ so issued shall be mailed by the prothonotary to the bureau at Harrisburg, together with a copy of the exceptions. The board shall, within ten days after such service, certify to such court its entire record in the matter in which the appeal has been taken, including the notes of testimony.

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specific findings of fact, if the findings of the board or referee are not, in its opinion, sufficient to enable it to decide the question of law raised by the appeal.

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board, fixing the compensation payable under this act, the court shall enter udgment for the total amount stated by the award or order to be payable, whether then due and accrued or payable in future instalments. If such court shall sustain the appellant's exceptions to a finding or findings of fact and reverse the action of the board founded thereon, the court shall remit the record to the board for further hearing and determination, in which the procedure shall be the same as that hereinbefore provided in this atricle in the case of a petition presented to the board, except that the board may order that any part of the testimony taken in the original proceedings shall be considered as though taken in such further hearing.

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered, with a copy of any opinion which may be filed in the case. At the end of the period hereinafter allowed for an appeal from the judgment of the court, the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken. If such appeal shall be taken, the record shall be remitted to the board by the prothonotary on its return from the appellate court.

Any party may appeal to the Supreme or Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme or Superior Court, and the record so certified shall contain all that was before the court of common pleas. Any appeal from *the action* of the board to *a court* of common pleas, and from *it* to the Supreme or Superior Court shall take precedence over all other civil *actions.*

Section *428. At any time after the approval of a compensation*

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agreement or after an award or order has been made by the board or referee, the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the Court of Common Pleas of any county, and the prothonotary shall enter the total amount of compensation stated in the agreement, award or order to be payable to the employe or his dependents, whether then due and accrued or payable in future instalments, as a judgment against the employer or other party liable under such agreement or award. Such judgment shall be a lien against property of the employer or other party liable under such agreement or award, and execution may issue thereon forthwith.

Whenever, after an accident, any employe or his dependents shall have entered into a compensation agreement with his employer, or shall file a claim-petition with the board, he may file a certified copy thereof with the prothonotary of the court of common pleas of any county. The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer. If the agreement be approved by the board, or compensation awarded as claimed in the petition, the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien, as of the date when the agreement or petition was filed with the prothonotary. Pending the approval of the agreement or the award of compensation, no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award; but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

If the agreement be disapproved, or, after hearing, compensation shall be disallowed, the employer may file, with the prothonotary of any county in which the petition or agreement is on record as a judgment, a certified copy of the disapproval of the agreement or disallowance of compensation, and it shall be the duty of such prothonotary to strike off the judgment.

If the amount of compensation claimed be disallowed, but another amount awarded, the compensation judgment shall be a lien to the extent of the award, as of the date of filing the petition with the prothonotary, with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed. In such cases the prothonotary shall make such modification of the record as shall be appropriate.

If the compensation payable under any agreement or award upon which judgment has been entered under the provisions of this section shall be modified, suspended, reinstated, or terminated by a supplemental agreement executed under the provisions of section four hundred and eight, or by an award or order made under the provisions of section four hundred and thirteen, any party to such judgment, at any time after such agreement has been approved by the board or after the expiration of the time allowed for an appeal from the award or order, may file with the prothonotary of the court of common pleas of any county in which such judgment is on record a certified copy of such supplemental agreement, award or order and it shall thereupon be the duty of the prothonotary to modify, suspend, reinstate or

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satisfy such judgment in accordance with the terms of such supplemental agreement, award or order.

Execution may arise by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation, entered prior to the approval of the compensation agreement, or an award on petition, as soon as such agreement shall have been approved or such award made as evidenced by the approval of the board of the award or by a certified copy thereof.

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution, with costs, and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid.

Section *429. If any party against whom a compensation agreement,* award, *or other order fixing the compensation payable under this act has been filed of* record in any county of this Commonwealth *in accordance with the provisions of section four hundred and twenty-eight of this article, or against whom judgment has been entered by the court of common pleas of any county on any award or order of the board or a referee,* shall, at any time, present to the board receipts or copies thereof, certified by any referee, showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee, the board shall issue a certificate to such party, in the form prescribed, stating the extent to which the judgment on the agreement *or* award has been reduced. Upon the presentation of such certificate to the prothonotary *of the court of common pleas* of any county in which *such* agreement or award *has been filed of* record *as a judgment, or in which judgment on an award has been entered by the court of common pleas,* it shall be the prothonotary's duty to mark *such* judgment satisfied to the extent of the payments so certified, *and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act, it shall be the duty of the prothonotary to mark such judgment fully satisfied.*

Section 430. The lien of any judgment entered upon any award shall not be divested by any appeal. If, however, the party appealing from the award shall file with the board a bond, in such amount and in such form as the rules and regulations of the board shall direct, the appeal shall, pending its decision, excuse the payment of so much of the compensation as is contested therein; but if the final decision on appeal shall sustain the award, it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award. If on appeal the award is sustained as to a part, it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award. In case the award is annulled on appeal, it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied.

Section *431.* The cost of the prothonotary for entering the amount of compensation as provided in this act, or making a modification of the record, or marking the judgment satisfied, shall be allowed, taxed and collected as upon a confession of judgment *on a judgment note.*

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Section 432. It shall be the duty of the prothonotary of each court of common pleas, and of the Supreme and Superior Court of the Commonwealth, to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article.

Section 433. A document on file in the bureau or with the board or any referee, or part of the record of any proceedings taken under Articles III and IV of this act, shall be proved by a copy thereof, certified by the chairman of the board and attested by the secretary under the seal of the board.

Section 434. A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated, shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award; Provided, however, That the board, or a referee designated by the board, may, at any time, set aside a final receipt, upan petition filed with the board, if it be proved that such receipt was procured by fraud, coercion, or other improper conduct of a party or is founded upon mistake of law or of fact.

ARTICLE V.

GENERAL PROVISIONS.

Section 501. No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages, or be valid or binding in any respect, unless the same be approved in writing by the judge presiding at the trial, or in case of settlement without trial, by a judge of the common pleas court of the county in which the accident occurred.

No claim or agreement for legal services or disbursements in support of any claim for compensation, or in preparing any agreement for compensation, under article three of this act, shall be an enforceable lien against the amount to be paid as compensation, or be valid or binding in any other respect, unless the same be approved by the Board. Any such claim or agreement shall be filed with the Bureau, which shall, as soon as may be, notify the person by whom the same was filed of the Board's approval or disapproval thereof, as the case may be.

After the approval as herein required, if the employer be notified in writing of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation: Provided, however, That where the employer's compensation is payable by the employer in periodical instalments, the Board shall fix, at the time of approval, the proportion of each instalment to be paid on account of legal services and disbursements.

Section 502. If any provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of this act, except that articles two and three are

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hereby declared to be inseparable and as one legislative thought; and if either article be declared by such court void or inoperative in an essential part, so that the whole of such article must fall, the other article shall fall with it and not stand alone.

Section 503. Nothing in this act shall affect or impair any right of action which shall have accrued before this act shall take effect.

Section 504. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 505. This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval.

Act of June 3, 1915.

A SUPPLEMENT.

To an act, entitled "The Workmen's Compensation Act of 1915," to exempt domestic servants and agricultural workers from the provisions thereof.

Section 1. Be it enacted, &c., That nothing contained in any article or any section of an act, entitled the Workmen's Compensation Act of 1915, shall apply to or in any way affect any person who, at the time of injury, is engaged in domestic service or agriculture.

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